

Retired Chief Judge Patricia Wald testified that this legislation is constitutional and highlighted the fact that Congress's greater power in accordance with the Constitution to confer full statehood on the District certainly contains the lesser power to grant District residents voting rights in the House of Representatives. She also reminded us that Congress has exercised this authority in the past without a rigid adherence to the constitutional text when it granted voting rights to Americans abroad in their last State of residence regardless of whether they are citizens of that State, pay taxes to that State, or have any intent to return to that State. Her former colleague on the DC Circuit, Ken Starr, echoed her conclusion that this legislation is constitutional.

Congress has repeatedly treated the District of Columbia as a "State" for various purposes. Congresswoman Eleanor Holmes Norton testified that although "the District is not a State," the "Congress has not had the slightest difficulty in treating the District as a State, with its laws, its treaties, and for constitutional purposes." Examples of these actions include a revision of the Judiciary Act of 1789 that broadened article III diversity jurisdiction to include citizens of the District even though the Constitution only provides that Federal courts may hear cases "between citizens of different States." Congress has also treated the District as a "State" for purposes of congressional power to regulate commerce "among the several States." The 16th amendment grants Congress the power to directly tax incomes "without apportionment among the several States." That constitutional provision has been interpreted also to apply to residents of the District. In fact, the District of Columbia pays the second-highest Federal taxes per capita, yet has no vote in connection with how those dollars are spent. The local license plates say a good deal and remind us of our heritage when they say "Taxation without Representation."

As I said, in 2005, President Bush praised the Iraqi people for exercising their democratic right to vote, and he noted that "by participating in free elections, the Iraqi people have firmly rejected the antidemocratic ideology of the terrorists [a]nd they have demonstrated the kind of courage that is always the foundation of self-government." Unfortunately, the President does not speak so enthusiastically about voting rights for the American citizens living literally in his backyard. It is disappointing that the Bush administration has threatened to veto this legislation.

FOREIGN OPERATIONS APPROPRIATIONS

MEPI SCHOLARSHIP PROGRAM

Mr. SUNUNU. Mr. President, I commend the senior Senators from Vermont and New Hampshire for the

fine work that they did last week in managing H.R. 2764, the fiscal year 2008 State Department, Foreign Operations and Related Programs Appropriations Act. Given how busy they were, I regret that we did not have a chance to clarify a scholarship program funded in that Act through the Middle East Partnership Initiative, MEPI.

In Senate Report 110-128, the committee provides \$55,000,000 for MEPI, and recommends \$9,000,000 of those funds for scholarship programs for students from countries with significant Muslim populations at not-for-profit U.S. educational institutions in the Middle East.

In prior year foreign aid bills, eligibility criteria for scholarship programs included those students from countries with significant Muslim populations at not-for-profit institutions of basic and higher education in the Middle East which are accredited by an accrediting agency recognized by the Secretary of Education, and that are not controlled by the government of the country in which the institution is located.

Those who manage the MEPI program at the State Department added additional criteria, namely that American schools in the Middle East would be eligible only if U.S. Government dependents were enrolled in respective institutions, and only for students in the seventh through twelfth grades. I would ask the senior Senators from Vermont and New Hampshire if the State Department consulted with the committee prior to establishing additional criteria for the scholarship program.

Mr. LEAHY. I would say to my colleague from New Hampshire that my staff informs me that they were not consulted by the State Department on this matter.

Mr. GREGG. I would say to my friend from New Hampshire that my staff informs me that they, too, were not consulted on MEPI-added criteria.

Mr. SUNUNU. I fear that the State Department is severely limiting the scope of the scholarship program, including to conflict countries such as Lebanon that remain unaccompanied posts for State Department employees. To put that another way, no U.S. Government dependents are enrolled in schools in Lebanon. Moreover, I would like to suggest that the committee consider allocating \$7 million for scholarships at higher education institutions, and \$2 million for secondary schools.

Mr. GREGG. I appreciate your bringing these matters to my attention. My staff will request a briefing from the State Department on the scholarship program, and if needed, we will seek additional clarification during conference on this matter with the House.

HONORING OUR ARMED FORCES

SPECIALIST ERIC M. HOLKE

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Army SPC Eric M. Holke, of Riverside, CA.

Specialist Holke's father describes him as an avid outdoorsman, a committed student of history, and someone with a keen eye for the arts. From a young age, Specialist Holke pursued his hobbies with zeal. His passion for the outdoors was matched only by his passion for film, which he discovered after he took a class on sports photography at Rim of the World High School in Lake Arrowhead, CA, where he was a graduate. After high school, he continued his studies in film and photography, and also worked at radio and television stations at San Bernadino Valley College.

Ready for a new challenge, Specialist Holke left San Bernadino Valley College to join the California Conservation Corps, where he spent the next 2 years backpacking through the wilderness of California. When he returned from this service, he became active in Renaissance fairs, where his specialty was demonstrating how the German military lived in the 1400s through 1600s, according to Pat Long, a cousin and producer of Renaissance fairs. Those who watched his performances remembered them for his passion and his enthusiasm.

Specialist Holke enlisted in the Army in 2000 in order to learn new skills as well as to save money to return to school. He served with the 82nd Airborne, like one of his grandfathers, a much-decorated World War II veteran. He went to Afghanistan, then to Iraq before being honorably discharged from the Army in 2005. He returned to Riverside, CA, where he became active again with the San Bernadino Valley College, performing re-enactments as well as studying film and business there. He also enlisted in the California National Guard at this time.

Specialist Holke and his wife Cassidhe were married in January of 2007. He was eager to earn his degree in business so he could start a new life in the film industry with his wife and their 16-year-old son, Steven.

In June of 2007, Specialist Holke began serving his second tour of duty in Iraq. He was serving with the 1st Battalion, 160th Infantry, California Army National Guard stationed in Kuwait. On July 15, 2007, Specialist Holke passed away in a noncombat-related incident in Talil. At his funeral, he was posthumously awarded five medals, including the Bronze Star. He was 31 years old.

In addition to his wife Cassidhe and son Steven, both of Riverside, CA, he is survived by his mother Monika Holke of Lincoln, NE, and father Jack Holke, of Las Vegas, NV. Today, I join all Americans in mourning the loss of a talented soldier, an active outdoorsman, and a loving husband, father, and son. He made the ultimate sacrifice through his service to our country. He will be remembered for his hunger for adventure. His memory will be honored by future generations of soldiers and civilians alike.